

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SWISSDIGITAL USA CO., LTD,

Plaintiff,

V.

SAMSONITE INTERNATIONAL S.A.,

Defendant.

CIVIL NO. W-23-CV-00196-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 59. The report recommends Defendant Samsonite International S.A.'s Motion to Dismiss, ECF No. 19, be **GRANTED** and that this case be **DISMISSED WITHOUT PREJUDICE** for lack of personal jurisdiction. The report further recommends that Plaintiff Swissdigital USA Co., Ltd.'s alternative request for jurisdictional discovery be **DENIED** and orders that Defendant's Motion to File Supplemental Briefing, ECF No. 41, be **GRANTED**. The report and recommendation was filed on May 14, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on May 28, 2024. ECF No. 62. Defendant filed a response to Plaintiff's objections on June 11, 2024. ECF No. 63. The Court has conducted a *de novo* review of the motion to dismiss, the responses, the report and recommendation, the objection to the report and recommendation, the response to the objections, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland, ECF No. 59, is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's objections are **OVERRULED**.

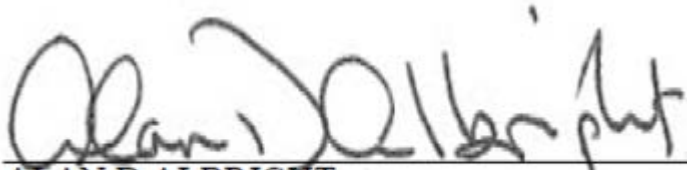
IT IS FURTHER ORDERED that Defendant's Motion to Dismiss, ECF No. 19, is **GRANTED** in accordance with the Report and Recommendation.

IT IS FURTHER ORDERED that Plaintiff's alternative request for jurisdictional discovery is **DENIED**.

IT IS FURTHER ORDERED that all claims in the above-captioned action are **DISMISSED WITHOUT PREJUDICE**.

IT IS FINALLY ORDERED that the Clerk of Court is respectfully directed to close the case.

SIGNED this 24th day of June, 2024.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE